

### **REMARKS/ARGUMENTS**

The rejections presented in the Office Action dated February 25, 2008, (hereinafter Office Action) have been considered, and reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

In an effort to facilitate prosecution and without acquiescing to characterizations of the asserted art, Applicant's claimed subject matter, or to the applications of the asserted art or combinations thereof to Applicant's claimed subject matter, Applicant has amended each of the independent claims to indicate that a first synchronization device checks whether the second synchronization device is missing any user data units defined in the binding data and transmits any missing units thereto or that a second synchronization device requests missing data units defined in the binding data. Support for these changes may be found in the Specification, for example, at steps 305/306 and 404/405 of Figs. 3 and 4, respectively, and in the corresponding discussion at paragraph [0023]; therefore, the changes do not introduce new matter. Each of the pending claims is believed to be patentable over the asserted references for the reasons set forth below.

Each of the § 103(a) rejections relies upon the teachings of U.S. Publication No. 2003/0023759 by Littleton *et al.* (hereinafter "Littleton") which does not teach at least checking whether the device receiving binding data has the user data units defined in the binding data or requesting missing user data units, as now claimed in each of the independent claims. Notably, the reliance on steps 330-350 in paragraph sixteen of the Office Action in the rejection of original Claims 20-21 is misplaced. For example, steps 330 and 340 merely determine which records have changed in the PDA (330) and server (340), and step 350 merely updates the server records to reflect changes. There is no teaching or suggestion that any records are checked to determine whether any are missing or that missing records would be requested or transmitted. Rather, Littleton teaches that if an identification number of a record does not match an entry during synchronization, the record is presumed to be new (paragraph [0032]). Thus, Littleton teaches that the record is created in the PC (asserted as corresponding to the device receiving binding data) and not recognized as a missing user data unit to be retrieved from the other synchronization device.

Without correspondence to each of the claim limitations, the § 103(a) rejections would be improper.

The asserted references also do not teach binding data, as claimed in each of the independent claims. The claimed binding data associates a user data identifier identifying a user data unit with an identifier for identifying at least one function of the device that defines the binding data. The asserted contact records merely collect user data units (*e.g.*, phone numbers) and have not been shown to teach any identifiers identifying a user data unit. Also, the asserted telephone functions listed in paragraph [0022] are not taught as being used in the PDA (a function of the asserted first device), but rather, the PDA is merely used as a remote means to view and modify the telephone service features accessed by a PC (*e.g.*, paragraph [0020], third sentence). Therefore, the contact records have also not been shown to teach binding data including an identifier of at least one function of the device defining the binding data. Moreover, Littleton's dirty flags cannot correspond to the claimed binding data since they merely identify whether a record needs to be updated without identifying any association between identifiers for a user data unit and a function of a device defining binding data. Without a presentation of correspondence to each of the claimed limitations, the rejections are improper.

Applicant further maintains that Littleton does not teach or suggest performing a second synchronization step to transfer binding data, as claimed in each of the independent claims. The assertion in the Advisory Action that Littleton teaches performing two synchronization steps by transferring service features and phone numbers (allegedly separately) in paragraphs [0023] and [0025] is incorrect. Paragraph [0023] of Littleton merely teaches that a telephone-provisioning program in the PDA compresses service feature information in order to store the information in the address book database 114 of the PDA (paragraph [0021]). There is no suggestion that the service feature information is transferred to, or synchronized with, the PC in paragraph [0023]. The discussion of Fig. 3 (detailing Littleton's synchronization program) teaches that once a telephone-provisioning conduit 122 has been set up, the records from the PDA are read and stored in the PC (paragraph [0025]) where the telephone-provisioning conduit 122 updates server records to

reflect changes made on the PDA by extracting the compressed information from the modified records (paragraph [0028]). Thus, both of the asserted service features and phone numbers are transmitted in the same synchronization step in step 310. Also, the assertion in the Advisory Action that the “data that links all the information in a contact must be transmitted before or after the individual contact data” is unsupported and appears to contradict the teachings of Littleton. For example, Littleton teaches that each record from the address book database of the PDA is read in block 310. There is no suggestion that the PDA records are split and/or read separately or at different times.

Moreover, the assertion that a skilled artisan would synchronize binding data separately since “constructing a formerly integral structure in various elements involves only routine skill in the art” is inapplicable to the claimed process since the cited case law refers to physically constructing a device. Also, the assertion fails to address each of the missing claim limitations. For example, the claimed second synchronization step is performed in response to the performance of a first synchronization step. There is no suggestion that merely synchronizing binding data separately would be performed in response to the performance of a first synchronization. Thus, the assertion that binding data could be synchronized separately fails to provide correspondence to each of the claimed limitations.

In addition, Littleton still has not been shown to teach or suggest forming binding between a user data unit of a first device and a function of a second device in the second device, as claimed in each of the independent claims. As explained previously, paragraph [0018] specifically states that use of the telephone-provisioning conduit does not interfere with use of existing PIM software residing on the PC (asserted as corresponding to the claimed second device) and therefore is used to synchronize the phone numbers stored in the PDA (asserted as corresponding to the claimed first device) with information residing on a server database separate from the PC (paragraph [0016] and Fig. 1). Also, there is no indication that a user data unit from the PDA would be arranged to be bound to a function of the PC in the PC. Since Littleton fails to teach a second synchronization step as claimed, Littleton also fails to teach forming binding with binding data received during a second

synchronization step. Therefore, any binding of records accessed in the asserted first device is not performed in, and does not affect a function of, the asserted second device.

Moreover, the conclusory assertion that a skilled artisan would form “binding based on binding data received during a second synchronization step because two parts are needed to form a bond” fails to overcome the fact that Littleton does not teach forming binding in a second synchronization device (a device that receives a synchronized user data unit and binding data). No evidence has been presented that Littleton would be modified to bind items in the asserted second synchronization device based upon data received in a second synchronization step. Rather, Littleton teaches away from this by teaching that records accessed in the asserted first device are synchronized with information residing on a server database separate from the asserted second device. Without a presentation of correspondence to each of the claimed limitations, the § 103(a) rejections are improper.

In order to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974); and moreover, “[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). *See, e.g.*, MPEP § 2143.03. The Examiner appears to have ignored certain claim limitations such as those directed to forming binding in a second synchronization device, which are not taught by either of the cited references. Littleton does not teach forming binding in the asserted PC and no evidence has been presented to suggest otherwise. Since the asserted modification of Littleton is unsupported and Littleton fails to teach at least these limitations, the rejections are improper. Applicant accordingly requests that each of the rejections be withdrawn.

Dependent Claims 2-7, 22, 24-26, 28-31, 33-36, and 38 depend from independent Claims 1, 18, 23, and 32, respectively. Each of these dependent claims also stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the above-discussed teachings of Littleton. While Applicant does not acquiesce to any particular rejections to these dependent claims, including any assertions concerning descriptive material, obvious design choice and/or what may be otherwise well-known in the art, these rejections are moot in

view of the remarks made in connection with the independent claims above. These dependent claims include all of the limitations of their respective base claims and any intervening claims and recite additional features which further distinguish these claims from the cited references. “If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious.” MPEP § 2143.03; *citing In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, dependent Claims 2-7, 22, 24-26, 28-31, 33-36, and 38 are also patentable over the asserted teachings of Littleton.

With particular respect to the rejection of dependent Claims 3, 4, 5, 10, 11, 13 and 14, Applicant traverses because the asserted correspondence is inconsistent with the alignment of teachings in the rejection of the independent claims rendering a lack of presentation of correspondence to each of the limitations of these dependent claims. For example, the rejection of these dependent claims asserts that several of the elements asserted as corresponding to binding data, and the data which the binding data associates, correspond to multiple claim limitations at the same time such that the basis for the rejection of these dependent claims is illogical. Using Claim 3 as an example, a contact record is asserted as corresponding to both binding data and a user data unit while a phone number is asserted as corresponding to both a user data identifier and a resource identifier. The assertion in the Advisory Action that a contact record is a user data unit, but when combined with service features would be binding data, fails to recognize that binding data is separate data that associates identifiers of a user data unit and a function. The asserted correspondence to the limitations of these dependent claims fails to acknowledge, or ignores, several of the claimed limitations and therefore fails to identify teachings that correspond to each of the claimed limitations. Applicant accordingly requests that the rejection of these dependent claims be withdrawn.

With respect to the § 103(a) rejection of dependent Claims 8, 27, and 37 based upon the teachings of Littleton combined with those of U.S. Publication No. 2003/0220966 by Hepper *et al.* (hereinafter “Hepper”), Applicant traverses as the asserted references alone, or in combination, do not teach each of the claimed limitations. As discussed above, Littleton fails to at least teach forming binding between a user data unit and a function of a second

device in the second device, as claimed. As Hepper has not been shown, and does not appear, to teach at least these absent limitations, the further reliance on Hepper does not overcome the above-discussed deficiencies in the § 103(a) rejections. Therefore, the rejection is improper, and Applicant requests that the rejection be withdrawn.

In addition to the lack of correspondence between Littleton and the claimed invention, the assertion that the asserted binding data of Littleton would/could be synchronized separately is incorrect and fails to recognize the claimed invention. Since Littleton's phone numbers (asserted user data units) are part of the contact records (asserted binding data) the synchronization of the data units between the PDA and PC includes synchronization of the contact records – they are not separate data such that they could not be synchronized separately as asserted. Contrary to Littleton's single synchronization step, there is a specific relationship between the claimed separate synchronization steps, as discussed, for example, in paragraph [0017] of the Specification. A skilled artisan would not modify the teachings of Littleton as asserted, but if he/she did, such modification would not correspond to the claimed invention.

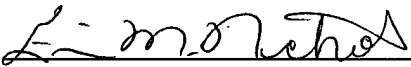
It should be noted that Applicant does not acquiesce to the Examiner's statements or conclusions concerning what would have been obvious to one of ordinary skill in the art, obvious design choices, common knowledge at the time of Applicant's invention, officially noticed facts, and the like. Applicant reserves the right to address in detail the Examiner's characterizations, conclusions, and rejections in future prosecution.

Authorization is given to charge Deposit Account No. 50-3581 (KOLS.054PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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